

May 11, 2004

Dear Reader:

Enclosed for your review is an environmental analysis (EA) completed by the Montana Department of Environmental Quality on Black Diamond Inc.'s plan for producing concrete and asphalt at the Black Diamond Quarry near Emigrant, MT. DEQ published the proposed plan in the *Livingston Enterprise* to solicit public comments on the plan. DEQ received three comments on the proposed plan from local residents.

The local residents expressed concerns about potential impacts to the local recreation and tourism industry, and asked for an environmental analysis to be completed to address concerns over air quality, water quality, noise and traffic issues.

DEQ has completed an EA on the proposed plan (See Attachment). DEQ has reviewed concerns about air and water quality. DEQ has added one modification to the plan to line ponds used in the proposed operations to limit potential for groundwater impacts. DEQ has also considered concerns about potential dust, noise and traffic. DEQ believes that Black Diamond has addressed these concerns and that impacts would be minimal.

DEQ has concluded that the plan is a minor revision and no further environmental analysis is needed. DEQ has approved the plan as a minor revision to Operating Permit 00089.

Copies of the application can be reviewed at DEQ, Environmental Management Bureau, 1520 E. 6th Ave., Helena, MT. Requests for information, questions, and comments should be directed to Patrick Plantenberg, Operating Permit Section Supervisor, DEQ Environmental Management Bureau, P. O. Box 200901, Helena, MT 59620-0901, phone (406) 444-4960 or e-mail at pplantenberg@state.mt.us.

Sincerely,

**Patrick Plantenberg
Operating Permit Section Supervisor
Environmental Management Bureau**

Attachment

Cc 1) Paula Clawson, *Livingston Enterprise*
(pclawson@livingstonenterprise.com)
2) Thomas Barry, P. O. Box, Emigrant, MT 59027 (harley01@aol.com)
3) John Kaiser, P. O. Box 1058, Livingston, MT 59047
4) Tim Powell, P. O. Box 1002, Emigrant, MT 59027 (yellowstonebb@imt.net)
5) Black Diamond Quarry, Inc., P. O. Box 297, Emigrant, MT 59027
6) Scott McMillian, P. O. 1226, Livingston, MT 58047
(scottm@dailychronicle.com)

PP/jac

g:/emb/op/corres/pp/blackdiamondmr04-001eacovlet.doc

(continue to next page)

**BLACK DIAMOND QUARRY, INC.
BLACK DIAMOND QUARRY
CHECKLIST ENVIRONMENTAL ASSESSMENT
FOR
MINOR REVISION 04-001**

COMPANY NAME: BLACK DIAMOND QUARRY, INC., P. O. Box 297, Emigrant, MT 59027

PROJECT: Proposed Minor Revision (MR) 04-001 to Operating Permit 00089 for the Black Diamond Quarry

LOCATION: The quarry is located 2.5 miles south of Emigrant in Section 5, Township 6 South, Range 8 East.

COUNTY: Park

PROPERTY OWNERSHIP: ☐ Federal ☐ State ☒ Private

TYPE AND PURPOSE OF ACTION: The Montana Department of Environmental Quality (DEQ) has received an application for a minor revision for Black Diamond Quarry Inc.'s Black Diamond Quarry pursuant to Rules and Regulations Governing the Metal Mine Reclamation Act. The quarry has operated for seventy years in Park County supplying railroad ballast, rip rap, masonry, landscape rock and crushed gravel for the local area. Operating Permit 00089 was issued in 1977.

Black Diamond would continue to quarry basalt for rip rap and crushed road base. Gravel under the basalt would be sorted and/or crushed to supply aggregate for various construction applications as needed.

Black Diamond is requesting a permit revision to operate portable asphalt and concrete batch plants to supply asphalt and concrete for the Paradise Valley. The closest current suppliers are 70 miles away for asphalt and 28 miles away for concrete.

DEQ must decide whether to approve the Proposed Action, deny the Proposed Action (the No-Action Alternative), or approve the Proposed Action with Agency Modifications. This environmental analysis is being conducted under the Montana Environmental Policy Act (MEPA). DEQ is seeking public comment on the proposed changes. A legal notice and press release were published in the *Livingston Enterprise*. DEQ will consider substantive comments before making an informed decision on the proposed change.

PROPOSED PLAN:

The asphalt equipment would be operated as needed between April and October.

The concrete operation could work through the winter, but this would be limited by temperature.

There would be no water runoff or seepage from the operation. The asphalt plant has a wet scrubber with metal holding ponds. The concrete operation would also use recycling ponds with no water runoff.

The plants and crushers would be located in the quarry area and would not be visible from Highway 89. Noise would be controlled by limiting hours of operation to daylight hours or from 7 am to 7 pm in the summer and by locating the crushers as far from the quarry mouth as possible. Crushing operations in the past have not resulted in any noise complaints from the neighbors. Batching concrete and asphalt are quieter than crushing operations. Black Diamond would further limit crushing and batching operation hours if noise complaints result. Haul trucks would operate only in daylight hours or from 7 am to 7 pm in the summer unless there are urgent situations such as flooding. Light impacts at night would not be an issue as the hours of operation would be limited to daylight hours.

Asphalt would be disposed of in the abandoned portions of the quarry as allowed under the Metal Mine Reclamation Act and reclaimed according to Montana solid waste regulations. Any spills during operations would be cleaned up and disposed of according to existing regulations.

No additional surface disturbance from quarrying outside the existing mine permit boundary would occur. All debris, fuel tanks, vehicles, and equipment from the asphalt or concrete operation would be removed at the conclusion of the quarry operations. Operational dust leaving the permit area would be limited by best available control technologies such as water trucks on roads and sprayers during crushing operations. The proposed revision would not affect water quality.

Changes to existing air quality would be regulated under current air quality rules and regulations. Emissions from operating any crushing/screening plant, asphalt plant, or concrete batch plant at the quarry and associated emissions from industrial activity within the quarry are required to be controlled. Any facility operating at the quarry would be required to have an air quality permit and comply with the emission limitations and operational conditions outlined therein.

The proposed revision would not affect the approved reclamation plan. Black Diamond currently has a bond in place for reclamation. If DEQ determines that more bond is needed to remove the plants at closure or if asphalt needs to be buried on site and covered with enough material to comply with solid waste regulations, Black Diamond would post it. No monitoring or contingency plans would be revised as a result of the proposed revision.

Copies of the application can be reviewed at DEQ, Environmental Management

Bureau, 1520 E. 6th Ave., Helena, MT. Requests for information, questions, and comments should be directed to Patrick Plantenberg, Operating Permit Section Supervisor, DEQ Environmental Management Bureau, P. O. Box 200901, Helena, MT 59620-0901, phone (406) 444-4960 or e-mail at pplantenberg@state.mt.us .

PERMIT HISTORY AND PREVIOUS ENVIRONMENTAL ANALYSES:

<u>Permit/Amendment/ Minor Revision</u>	<u>Date</u>	<u>Permitted Acres</u>	<u>Bond</u>
Preliminary Environmental Review	October 5, 1977		
Operating Permit 00089	October 20, 1977	47 acres	\$47,000
Amendment 001	December 9, 1983	60 acres	
			\$60,000
Environmental Assessment	December 9, 1998		
Amendment 002	March 14, 2001	119.2 acres	\$42,805
5-year bond review	in progress		

Current Operating Permit conditions:

Permit Area:	119.2 acres
Permitted Disturbance:	87.6 acres
Current Disturbance (as of December 2000)	55.2 acres
Bonded Acreage	55.2 acres
Current Bond:	\$43,000
Obligated bond	\$42,805
Unobligated Balance	\$ 195

CHECKLIST ENVIRONMENTAL ASSESSMENT

Legend

N = Not present or minimal Impact could occur.
Y = Impacts may occur (explain under Potential Impacts).
NA = Not applicable

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>1. <u>GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE</u>: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?</p>	<p>[N] No fragile, erosive, or unstable soils or geology would be affected by the proposed revision. No new disturbance would result from the proposed revision. Therefore, no additional impacts to soils and geology would result above those impacts currently permitted in earlier environmental analyses. DEQ would bond for reclamation of any asphalt or concrete products left in the quarry at closure per Montana solid waste regulations.</p>
<p>2. <u>WATER QUALITY, QUANTITY AND DISTRIBUTION</u>: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?</p>	<p>[N] The old lava flows in the quarry overlie Yellowstone River gravels. Concerns have been expressed about impacts of the proposed revision to groundwater quality. Black Diamond has included controls as part of the batch plant operations to control water quality impacts. There would be no water runoff or seepage from the operation. The asphalt plant has a wet scrubber with metal holding ponds. The concrete operation would also use recycling ponds with no water runoff. Crushing operations use water to limit dust. DEQ would require lined ponds to limit any potential water quality impacts. At cessation of operations the water would be evaporated or used to irrigate reclaimed areas within the quarry. Water would not be discharged directly on the quarry floor gravels.</p> <p>Asphalt would be disposed of in the abandoned portions of the quarry as allowed under the Metal Mine Reclamation Act and reclaimed according to Montana solid waste regulations. Any spills from fuel, hydraulic fluid, etc. during operations would be cleaned up and disposed of according to existing regulations.</p> <p>All debris, fuel tanks, vehicles, and equipment from the asphalt or concrete operation would be removed at the conclusion of the quarry operations. DEQ agrees that controls proposed by Black Diamond and the use of lined ponds would limit impacts to water quality.</p>
<p>3. <u>AIR QUALITY</u>: Will pollutants or particulates be produced? Is the project influenced by air quality regulations or zones (Class I</p>	<p>[N] Concerns have been expressed about air quality impacts. Changes to existing air quality from dust and emissions would be regulated under current air quality rules and regulations. Emissions from operating any crushing/screening plant, asphalt plant, or concrete batch</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
airshed)?	<p>plant at the quarry and associated emissions from industrial activity within the quarry are required to be controlled. Any facility operating at the quarry would be required to have an air quality permit and comply with the emission limitations and operational conditions outlined therein. Black Diamond must comply with air quality standards. If needed, the batch plants and crushers must have updated air quality permits in place before operations commence.</p> <p>Operational dust leaving the permit area from quarry traffic would be limited by best available control technologies such as water trucks on roads and sprayers during crushing operations. DEQ agrees this is a reasonable approach to limit nuisance dust.</p> <p>Fumes from diesel truck traffic, generators, and concrete and asphalt batch plant operations would potentially be noticeable during operations. The fumes would be sporadic from truck traffic and would add to the existing level of diesel fumes from traffic along Highway 89 which separates the quarry from adjacent residents. The elevation of the quarry above the adjacent residents and the windy nature of the Paradise Valley would help disperse fumes and limit impacts to adjacent residents. Operations would be limited in winter when there would be more potential for inversions.</p>
4. <u>VEGETATION COVER, QUANTITY AND QUALITY:</u> Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] Black Diamond would continue its noxious weed control activities annually.
5. <u>TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:</u> Is there substantial use of the area by important wildlife, birds or fish?	[N]
6. <u>UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL</u>	[N] There is no habitat for threatened and endangered species in the quarry. There are no wetlands. Several threatened and endangered species use the Paradise

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	Valley such as eagles and wolves but would not be impacted by the quarry operations.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] No new disturbance would result from the proposed operation over that currently permitted.
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	<p>[N] Black Diamond has proposed mitigations to limit visibility, noise and light impacts. The plants and crushers would be located in the quarry area and would not be visible from Highway 89.</p> <p>Based on comments from the public received as part of the public involvement process, Black Diamond has proposed additional restrictions on hours of operation to limit impacts from traffic, etc. Noise would be controlled by limiting hours of operation to daylight hours and 7am to 7pm in the summer and by locating the crushers as far from the quarry mouth as possible. Crushing operations in the past have not resulted in any noise complaints from the neighbors. Black Diamond would further limit crushing and batching operational hours if noise complaints result.</p> <p>Haul trucks would operate only in daylight hours or from 7am to 7pm in the summer unless there are urgent situations such as flooding. The operator would have to ask the truckers to not use Jake brakes during operations near the local residents.</p> <p>Light impacts at night would not be an issue as the hours of operation would be limited to daylight hours summer and winter. Black Diamond has expressed a willingness to meet with neighboring residents to discuss limiting noise and traffic impacts to residents and local tourists using the area. DEQ would help facilitate any possible agreements.</p>
9. DEMANDS ON	[N]

IMPACTS ON THE PHYSICAL ENVIRONMENT	
<u>ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:</u> Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	
<u>10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES:</u> Are there other activities nearby that will affect the project?	[N]

IMPACTS ON THE HUMAN POPULATION	
<u>11. HUMAN HEALTH AND SAFETY:</u> Will this project add to health and safety risks in the area?	<p>[N] Nuisance dust would be controlled by best available control technologies as explained above under Air Quality. Traffic from haul trucks and quarry employees would increase in the area during batching operations increasing the potential risk of traffic related accidents. The sight distances from the entrance road are good especially from the north. The asphalt contractor has six belly dump trucks to be used to haul asphalt for paving jobs. These trucks would be used to prepare road surfaces for paving such as observed by any traveler on Montana highways in the summertime. These same trucks would then be used to pave the road surfaces. Paving jobs are very sporadic and are limited by the production of the plant and size of the job. Most paving jobs would last from 1 day to up to two weeks. Assuming 6 trucks are running all day, depending on haul distance, each truck could make over ten cycles a day. This would add a lot of traffic for these short time periods.</p> <p>Black Diamond has expressed a willingness to meet with local residents to potentially develop a compromise on limiting impacts resulting from paving and concrete operations. DEQ would help facilitate an agreement to limit traffic related impacts.</p>
<u>12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES</u>	[N] The proposed revision would add concrete and asphalt production in the local area providing concrete and asphalt for local uses.

IMPACTS ON THE HUMAN POPULATION	
AND PRODUCTION: Will the project add to or alter these activities?	
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] There is the potential for some temporary jobs to be created during batch plant operations and from hauling crushed rock, concrete and asphalt.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N]
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] Concerns with traffic related impacts are discussed above under Human Health and Safety. Traffic would increase during times when crushed rock, concrete, or asphalt is being produced. Black Diamond has agreed to limit hours of production to daylight hours or from 7 am to 7pm in the summer. Black Diamond has agreed to minimize impacts to local residents. If problems arise, DEQ would meet with local residents and try to facilitate a compromise with the company and local residents.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] No recreational or wilderness areas are nearby or accessed through the quarry. However, the Paradise Valley has a lot of tourist traffic. Concerns have been expressed about the impacts to tourists in the area during concrete or batch plant operations. Black Diamond has proposed limitations on hours of operation as described above to limit impacts. If problems arise, DEQ would meet with local residents and try to facilitate a compromise with the company to limit Impacts to tourists.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require	[N]

IMPACTS ON THE HUMAN POPULATION	
additional housing?	
19. <u>SOCIAL STRUCTURES AND MORES</u> : Is some disruption of native or traditional lifestyles or communities possible?	[N] There would be no impacts to Native Americans as a result of this amendment.
20. <u>CULTURAL UNIQUENESS AND DIVERSITY</u> : Will the action cause a shift in some unique quality of the area?	[N]
21. <u>PRIVATE PROPERTY IMPACTS</u> : Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[Y] This proposed action would be permitted under the authority of the Metal Mine Reclamation Act.
22. <u>PRIVATE PROPERTY IMPACTS</u> : Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	[N]
23. <u>PRIVATE PROPERTY IMPACTS</u> : Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of	[NA]

IMPACTS ON THE HUMAN POPULATION	
private property, and analyze such alternatives.	
24. <u>OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</u>	[N]

25. ALTERNATIVES CONSIDERED:

No Action: If the amendment is denied, Black Diamond would continue quarrying and crushing according to the existing approved operating permit. No concrete or asphalt production would occur.

Proposed Action: This is the company's proposed plan to produce asphalt and concrete on the site.

Proposed Action with Agency Modifications: DEQ has no regulatory authority to limit impacts except to air and water. The proposed operation must comply with air and water quality laws. DEQ has proposed one modification to the plan to address water quality concerns. Black Diamond must line any ponds used during quarry operations to prevent loss of potentially contaminated water from entering the groundwater beneath the quarry. At cessation of operations the water would be evaporated or used to irrigate reclaimed areas within the quarry. Water would not be allowed to be discharged directly on the quarry floor gravels.

If necessary, DEQ would meet with local residents and the company to facilitate a compromise on potential impacts from non-regulated concerns such as nuisance dust, noise, and traffic. This is the agency's preferred alternative. There will be more noise, dust and traffic at times as a result of this revision. This is an unavoidable impact of approving the revision. DEQ believes that controls proposed by Black Diamond are reasonable and would limit impacts to acceptable levels. DEQ approves the proposed change to the permit as a minor revision.

26. PUBLIC INVOLVEMENT: A legal notice and press release have been published in the *Livingston Enterprise* on April 20, 2004. The legal notice has also been published on the DEQ-EMB webpage. A press release was also released on the State of Montana Newslinks service on April 20, 2004. Three e-mails were received from local residents near the quarry. Concerns were expressed about air and water quality. Black Diamond has proposed limits to the operations to control air and water quality impacts. Concerns were also expressed about noise, light and traffic and impacts to

local residents as well as tourists that use the area. Black Diamond has proposed limits to the operation to limit these impacts. DEQ has no regulatory authority under the Metal Mine Reclamation Act to limit these activities. If problems arise, DEQ would meet with local residents and the operator and try to facilitate a compromise.

27. **OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION:** None.
28. **MAGNITUDE AND SIGNIFICANCE OF POTENTIAL IMPACTS:** The impacts resulting from producing concrete and asphalt on site would not result in potentially significant impacts to the environment.
29. **REASONABLY FORESEEABLE ACTIVITIES:** The only reasonably foreseeable activities in the area would be continued use of the surrounding land for agricultural purposes, housing developments and tourism.
30. **CUMULATIVE EFFECTS:** No cumulative effects on area resources from the combined current and reasonably foreseeable activities envisioned in the quarry area are projected.
31. **RECOMMENDATION FOR FURTHER ENVIRONMENTAL ANALYSIS:** An environmental assessment was completed on the site in 1977 and 1998 by DEQ. The proposed revision would not result in other environmental impacts because of the lack of water impacts and the controls placed on air quality by the operator. Black Diamond has committed to limit other nuisance impacts from noise, dust, etc. If complaints arise from the neighbors, Black Diamond agrees to meet with the neighbors and try to resolve the issues. No other environmental analyses should be necessary. DEQ has determined that these proposed changes in operations constitute a minor revision to the operating plan.

☐ EIS ☐ More Detailed EA ☒ No Further Analysis

32. EA Checklist Prepared By:

Patrick Plantenberg, Operating Permit Section Supervisor, DEQ

33. EA Reviewed by:

Warren McCullough, Chief, Environmental Management Bureau, DEQ
Greg Hallsten, DEQ Environmental Coordinator

34. Approved By:

Signature

Date

**Warren McCullough, Chief,
Environmental Management Bureau, DEQ**